



COMMITTEE REPORT: Outreach, Communications, & Appointments Standing Committee (OCA), Town Council, 05.20.19

OCA Charge includes: The Outreach, Communications, and Appointments Committee shall:

2.a. Make recommendations to the Town Council regarding all appointments by the Town Council. (Charter Sec. 2.9)

Recommendation to the Council:

Voted: On 05.13.19, OCA voted 3-2 (Swartz, Brewer, DuMont yes, Ross, Ryan no) to recommend the Town Council appoint: Pari Riahi, Janet McGowan, Maria Chao, and Jack Jemsek, to the Planning Board with term lengths requested in the OCA Designee's recommendation to OCA 05.8.19.

The votes in favor felt that they could support the nominees for Planning Board with the available information within the adopted process. OCA had previously decided by consensus that members could only judge the qualities of the applicants the OCA Designee put forward. A member of OCA could reject a name if they felt a nominee did not possess the qualities for recommendation set forth by OCA.

The votes against preferred that OCA consider each recommended appointee individually. These Councilors were amenable or supportive of the idea of adding new members to the Planning Board, however, felt that the current pool of non-incumbent candidates was too thin. Additionally, they felt that no non-incumbent applicant in the pool met their preferred qualifications, and that injecting a new member to Planning Board would require expanding the applicant pool. Councilor Ryan preferred that during this time of transition the Town Council prioritize continuity on the Planning Board over new membership. Councilor Ross preferred that OCA put forth only three recommendations to the Town Council and work to recruit more applicants and expand the pool. This would require the Town Council asking an incumbent member of the Planning Board to continue serving until OCA can bring forward a fourth nominee from a larger pool, or permitting a temporary vacancy on the Planning Board.

Voted: On 05.13.19, OCA voted unanimously to recommend the Town Council appoint to the Zoning Board of Appeals: Mark Parent, Thomas Simpson, Matthew Wilk, Steve Judge, Joan O'Meara, Aaron Arcello, Sharon Waldman, Tammy Parks, with term lengths requested in the OCA Designee's recommendation to OCA 05.8.19.

For details, please see the attached OCA Designee's recommendation to OCA 05.8.19.



OCA deliberation 5.13.2019:

Traditionally, new (full) members to the Zoning Board of Appeals (ZBA) would serve initially as associate members before being appointed as (full) members. However, given that the Charter expanded the size of the ZBA from three to five (full) members, and there were only three members and two associate members at the time, the Town Council voted to appoint all associate members as (full) members. This left no pool of existing associate members from which to appoint (full) members.

OCA had previously decided to continue the tradition of past appointments by the Select Board and Town Manager to protect the privacy of applicants who are not brought forward for appointment. This presented difficulty in deliberation when Councilors expressed reservations about some of the OCA Designee's recommended appointees. As established in previous OCA deliberations, OCA could discuss recommended appointees but could not bring in names of applicants not recommended.

This presented a challenge in objecting to a recommended appointee without bringing into consideration the name of an alternative. Some Councilors struggled with the prohibition against asking why an individual applicant in the pool was not recommended by the OCA Designee for appointment. For example, OCA previously decided that in the event that a Councilor questions "what if I know *person X* is in the applicant pool and I like *person X*, but *person X*'s name is not on the list of recommended appointees?", that the Councilor could not bring up the name of a person who was not on the list.

Future considerations

OCA identified several challenges and opportunities in the current process:

Community Activity Form (CAF): Because the CAFs have no minimum or maximum content requirement, there were disparities between applicants in the information available for Councilors to consider when considering their professional background or relevant experience. This made it difficult for Councilors who were not the OCA Designee to compare candidates as the available information was not comparable. This also made it difficult for the OCA Designee to write balanced written profiles for each recommended appointee. OCA has begun discussions around potential solutions, which may include requiring all applicants to give a certain minimum of information on their CAF, or asking applicants to submit written answers to standard preselected questions.



Protecting privacy: Despite OCA's attempts to protect the privacy of applicants that OCA does not recommend for appointment, Open Meeting Law (OML) places limits on that protection. Once the OCA Designee brings forth a recommended appointee that individual's name is public and subject to deliberation in a posted public meeting. This creates a dynamic that is, at best, awkward should Councilors object to a recommended appointee. If OCA or the Town Council rejects a recommended appointee then that individual's name has been made public and their privacy lost despite not being appointed.

Educating applicants about the process: OCA subjected incumbent members interested in reappointment to OCA's adopted process. In the past incumbent members did not have to reapply to be reappointed, and this new requirement created confusion for incumbent members. OCA needs to discuss whether to subject incumbent members interested in reappointment to this process in the future.

Educating applicants about the multiple-member body: OCA developed handouts describing the work and time commitment of the Planning Board and ZBA to inform applicants. This was a new addition to the appointments process and was well-received by applicants. OCA believes it should continue this in future appointments.

Interviews: In an effort to protect the privacy of applicants within the constraints of OML, only one member of OCA (the OCA Designee) could be present during the applicant interviews. This imposed a challenge for the OCA Designee, who could not consult with or receive feedback from other Councilors about applicants. OCA did develop and adopt standard interview questions and drafted evaluation criteria for candidates to assist the OCA Designee in their selection, but the prohibition on multiple Councilors attending interviews created added difficulty for the OCA Designee in selecting recommended appointees. OCA will evaluate whether this process is viable for future Town Council appointments.

Previously-reported process used to develop the OCA recommendation:

Voted: On 03.18.19, OCA voted 3-1 with one member absent (Ross, Ryan, Swartz yes, DuMont no, Brewer absent), to adopt the process diagram and narrative described as Council Appointments to ZBA and Planning Board. The vote against would prefer public disclosure of all candidate names and public interviews, or at least disclosure of all candidate names to Town Council.

Voted: On 03.18.19 OCA voted 4-0, with one member absent (Brewer absent), that OCA would designate one OCA member, Chair Sarah Swartz, to conduct private interviews of applicants to multi-member bodies appointed by Town Council.



Outreach, Communications, & Appointments Town Council Standing Committee Membership:

Sarah Swartz, Town Councilor District 1, Chair
Alisa Brewer, Town Councilor at-Large, Vice Chair
Darcy DuMont, Town Councilor District 5
Evan Ross, Town Councilor District 4
George Ryan, Town Councilor District 3

Charter Reference

SECTION 2.9: APPOINTMENTS, SUSPENSIONS, OR REMOVALS BY THE TOWN COUNCIL

(c) Planning Board and Zoning Board of Appeals: The Town Council shall appoint all members of the Planning Board and Zoning Board of Appeals for staggered 3-year terms.

Attached documents

OCA Designee's recommendation to OCA 05.8.19

Demographic data of applicants to Planning Board and Zoning Board of Appeals

Decision Tree for Town Council to Appoint Residents Recommended by the Outreach, Communications, and Appointments [OCA] Committee for Appointment to

Multiple-Member Bodies Appointed by the Town Council OCA Process to recommend appointees to multiple-member bodies appointed by the Town Council adopted by OCA 03-18-2019



To: Town Council Standing Committee Outreach, Communications, and Appointments (OCA)

From: Sarah Swartz, OCA Designee for Planning Board and Zoning Board of Appeals (ZBA)

Date: 05.08.19

RE: Recommended Appointments to the Planning Board and Zoning Board of Appeals (ZBA)
Charter Sec. 2.9(c)

I request that OCA recommend the following appointments to the full Town Council 05.20.19:

Planning Board: 7 members total, but 3 continue to serve for the balance of the terms for which they were appointed prior to 03.27.18*

1. Pari Riahi, expires 06.30.21
2. Janet McGowan, expires 06.30.21
3. Maria Chao, expires 06.30.22
4. Jack Jemsek, expires 06.30.22

*Continue to serve:

- a. Michael Birtwistle, appointed 05.09.16, expires 06.30.20
- b. Christine Gray-Mullen, appointed 09.01.15, expires 06.30.20
- c. David Levenstein, appointed 03.05.18, expires 06.30.20

Zoning Board of Appeals (ZBA): 5 members total, plus 3 one-year Associates

1. Mark Parent, expires 06.30.20
2. Thomas Simpson, expires 06.30.21
3. Matthew Wilk, expires 06.30.21
4. Steve Judge, expires 06.30.22
5. Joan O'Meara, expires 06.30.22
1. Aaron Arcello, expires 06.30.20
2. Sharon Waldman, expires 06.30.20
3. Tammy Parks, expires 06.30.20

Overview of the Planning Board and ZBA

OCA created a handout that was distributed to each applicant before their interview explaining basic information about the multiple-member body, Planning Board revised 04.19.19 and ZBA revised 04.19.19 (*see attached*)

Applications

Applications for multiple-member bodies are made via online Community Activity Form (CAF), previously known as Citizen Activity Form. On 02.20.19 OCA solicited applications under Charter Sec. 9.12(e) via a Town website In the News Announcement and Newsflash to subscribers (see attached). In continuation of practice prior to 12.03.18, the Town Manager's office maintains CAF for two years after they are submitted online.

In continuation of past practice, and as recently confirmed by the Town Attorney, any current submitted CAF is a personnel document not subject to public records disclosure. Therefore, no consideration of any submitted CAF may be done in any open session. Executive session could only be invoked in a very narrow set of circumstances, and OCA chose not to pursue that path after extensive discussion by speaker phone with the Town Attorney during an open session. In continuation of past practice, names of applicants and number of applicants are also not publicly released.

The Town Manager's office established that all applicants are current residents under Charter Sec. 3.3 and forwarded those Planning Board and ZBA CAF to the 5 members of OCA on 04.19.19. Some applicants expressed interest in both Planning Board and ZBA.

Interviews

OCA solicited input on desirable skills and characteristics that could strengthen the current multiple-member body from the Chairs of both Planning Board and ZBA, and received the following lists: real estate, architecture, and/or engineering background; works well in a group; open-minded; understands the judicial nature of position to interpret and apply bylaws, not to make bylaws; skills in negotiation and mediation/conflict resolution; respectful; thoughtful; unbiased; no agenda; considerate; committed; reasonable; confident; humble; professional

OCA then developed a standard set of Interview Questions (*see attached*) before receiving any CAF. After much discussion, OCA decided that no direct questions would be asked about specific past or upcoming projects. An Interview Protocol was drafted (*see attached*).

After it became clear that OML would not allow more than one Councilor to participate in a private interview, and we found the added complexities of the narrow Executive Session parameters unsatisfactory (for example, it would have required us to narrow the pool to more publicly announced names than available slots), we voted 03.18.18 to designate one OCA member, Sarah Swartz, to conduct all the interviews for both Planning Board and ZBA.

As no standing “interview committee” is permitted without triggering OML, we determined that the OCA designee could, if they chose to, include in the interviews, if available: the relevant multiple-member body chair (unless the individual was currently seeking reappointment to that multiple-member body), the staff liaison to the multiple-member body, and the Town Manager. There is therefore no standard interview committee, just the OCA designee and additional people who may be available at the OCA designee’s request and discretion. Only the applicant and the OCA designee have speaking roles during the interview unless the OCA designee asks the others present to speak. We note that this practice is different than the one used by the Town Manager, as he can create any kind of interview team without regard to OML.

The OCA designee worked with the Town Manager’s office to ensure that every resident applicant was offered an interview. Every applicant with a scheduled interview was sent a copy of the multiple-member body Charge, plus the multiple-member body description developed by OCA, plus the Interview Questions, to enhance their preparation for their 15-20 minute interview. Two applicants were out of town during the interview schedule and were offered phone interviews; one accepted and the other declined.

The OCA designee asked every applicant the same Interview Questions. The OCA designee chose to have Town Manager Paul Bockelman and Planning Director Chris Brestrup attend all the interviews.

Planning Board: 4 slots, 12 applicants (4 of whom also applied to ZBA)

ZBA: 5+3 slots, 9 applicants (4 of whom also applied to Planning Board)

Evaluation

Over time OCA discussed numerous ways of evaluating which applicants would be appointed at this time. Considerations included relevant expertise and experience, personal qualifications, capacity to work with others, support for the purpose of the multiple-member body, the nature of underrepresentation, and direct representation by people affected by decisions of the multiple-member body.

By MGL, Amherst Zoning Bylaw, and the Charter, terms for both bodies – aside from ZBA Associates – are to be staggered three-year terms, so that all member terms don't expire at the same time. At least one applicant expressed a preference for a shorter term. Another consideration is how many years any individual may expect to serve on a particular multiple-member body, knowing that neither the Planning Board nor ZBA has any legal restriction on number of years served. In continuation of practice prior to 12.03.18, OCA recognized an informal 6-year limit, with possible exceptions to be made during times of transition depending on the availability of other applicants. While we all certainly do highly appreciate the valuable service our many volunteers provide, OCA agreed no applicant had any right to serve a specific number of years, nor any right to be reappointed. We also wondered under what circumstances we might agree it was appropriate to leave a slot empty.

One OCA member wished we could find some legal way to publish applicant answers to the Interview Questions in some form of grid for comparative purposes. The OCA members who prefer the current private interview process could not resolve how such a factual transcript could be provided from a private interview. We agreed to add consideration of requiring written responses to the Interview Questions to a list of ideas that will help us evaluate the current practice after this round of appointments.

Process of evaluation of applicants by the OCA Interview Designee

- The interview designee had to compile a list of what qualities and skill sets were being sought in a qualified Planning Board and Zoning Board of Appeals nominee. This list was compiled by joining:

The OCA criteria for a qualified Planning Board or Zoning Board of Appeals Nominee:
Relevant expertise and experience, personal qualifications, capacity to work with others, support for the purpose of the multiple-member body, the nature of underrepresentation, and direct representation by people affected by decisions of the multiple-member body.

*The Committee Chairs' input on desirable skills and characteristics in an applicant that could strengthen the current Planning Board or Zoning Board of Appeals:

real estate, architecture, and/or engineering background only for PB); works well in a group; open-minded; understands the judicial nature of position to interpret and apply bylaws, not to make bylaws; skills in negotiation and mediation/conflict resolution; respectful; thoughtful; unbiased; no agenda; considerate; committed; reasonable; confident; humble; professional

- Now that the interview designee had a comprehensive list of skills and characteristics that were being sought in a qualified candidate, it allowed them to start gathering relevant information about each applicant. This was done by reviewing Community Activity Forms, but more important, by the interview process. The OCA interview designee used the interview process to better ascertain which applicants were most congruent with both the OCA criteria for a qualified PB or ZBA nominee and the committee chairs' input on desirable skills and characteristics in an applicant that could strengthen the current Planning Board or Zoning Board of Appeals. The preselected Interview Questions were designed to help elucidate the special skills and characteristics of applicants.
- Once this data was gathered it was possible for the OCA interview designee to compile a list of the most qualified applicants for The Planning Board and The Zoning Board of Appeals.
- Now the OCA interview designee would decide which combination of these applicants would best provide the synergy that creates a healthy multi-member body (*what makes a healthy body criterion shown below*).

What Creates a Healthy Multi-Member Body

****A Strong Chair (with term limits)***

An effective Chair must have a firm grasp of the content of the multi-member body. They must have professional or educational experience relevant to the work of the multi-member body. An effective Chair is a leader of both people and process. This includes being able to gain the confidence of their members, inspire them, and guide them successfully through any decision-making process.

An effective Chair has term limits. Term limits function to:

- Encourage individuals to apply to be Chair. Serving as a Chair is an arduous task. People become more willing to take on this job if they know that there is a set time commitment.
- Prevents only one or two people members from continually dominating decisions or discussions.
- Encourages other members to hone their own their skills and leadership because they are aware that a new Chair will be required at a set allotted time.

****A Strong Base of Seasoned Members***

A healthy multi member bodies have a robust number of members who have served over a year. This ensures that the multi-member body has a broad range of knowledge and understanding of process. It is these members who will be preparing themselves for a leadership role and mentoring new members.

****New Members***

New members are essential to making sure that a multi-member body is always preparing itself to maintain a strong base of seasoned members. New members also provide a fresh outlook and exuberant energy.

- Every applicant was advised privately of their status before the names of recommended appointees were published. Once the OCA interview designee had chosen the nominees, they contacted every single applicant that had applied to inform them of their status (either nominated or not being nominated at that time). Because the Outreach, Communications and Appointment Committee had the ability to either accept or deny the designee's nominations it had to be made clear to every applicant that their status could change after OCA met and made their decision. The designee contacted every applicant was by telephone and email. Chosen nominees were specifically asked if they would allow their names to be published. (*Email template that was used is shown below*).
- Once the OCA interview designee had chosen the nominees for PB & ZBA to be recommended to OCA they contacted every single applicant that had applied to inform them of their status, either nominated or not being nominated at that time. Because the Outreach, Communications and Appointment Committee had the ability to either accept or deny the designee's nominations it had to be made clear to every applicant that their status could change after OCA met and made their decision. The designee contacted every applicant was by telephone and email. Chosen nominees were specifically asked if they would allow their names to be published document. *Email template is shown below*).

Dear _____,

My name is Sarah Swartz, the interview designee for Outreach, Communications, and Appointments, that was assigned to The Planning Board and The Zoning Board of Appeals. I am writing to you today to let you know that I will / not be bringing your name forward to OCA as a nominee to The Planning Board / The Zoning Board of Appeals. If I have not already confirmed with you that you are willing to accept this nomination, would you please email me to let me know your decision?

The process for nomination will be moving along quickly. On Thursday, May 8th, 2019 I will be publicly posting a document that will include the names of my nominees as well as a report of my practice and my decision-making process. If I have not already confirmed with you that you are willing to have your name in this public document, would you please email me to let me know?

On Monday, May 13th, 2019 at 9:30 AM in The Town Room in Town Hall there will be an Outreach, Communications, and Appointments Committee Meeting. It will be at this meeting that OCA will review, discuss, and either approve or deny my nominations. I will be in contact with everyone in the complete applicant pool to let everyone know if there was any change to my recommended nominees.

Thank you again for your interest in serving your town.

Best,

Sarah Swartz

- Now it was time for the OCA interview designee to make a list of nominees for PB & ZBA to be presented to OCA, as well to write a report describing their evaluation process.

Demographics

We recognize that the range of applicants does not match the diversity of our community. OCA struggled to provide demographics that did not appear to be personally identifiable. We are also limited by current CAF questions that are both optional and purposefully open ended but also do not always lend themselves to accurate categorization. For example, the CAF has a fill in the blank instead of forcing anyone to choose male or female. For example, the racial/ethnic question is also fill in the blank, so we cannot easily force some answers into larger categories as that is simply not how the applicant self-identified. *see attached*

Profiles of Recommended Appointments

Planning Board:

Pari Riahi has served on the Planning Board for three years. She is a licensed architect and an assistant professor of architecture at UMASS Amherst. She offers professional knowledge relevant to The Planning Board. She expressed that she feels she can bring to the ZBA her perspective of working at UMASS and raising a family here. Pari expressed her dedication to, and caring for, her constituents.

Janet McGowan is an experienced mediator, attorney, as well as having a history of civil and community service both in Amherst and the larger world. She served as an Amherst Town meeting member and has had an ongoing interest in The Planning Board and Zoning Subcommittee Meetings. Janet has a great interest in the work of the Amherst Planning Board, making a habit of enthusiastically attending meetings and keeping informed on the relevant topics discussed. She has been a volunteer on The Amherst Master Plan, the Fort River PGO, LSSE basketball, community service coordinator for the North Amherst Boy Scout troop, Town Meeting Committees, the Somerville Conservation Commission and The Mediation & Training Collaborative. She is a lawyer and a graduate of Harvard Law School. Adding to that she completed The Executive Mediation Training Program through Mediation Works Inc. Janet has also served as a proponent and protector of the underserved and at risk during her work as Project Manager for Indigenous Intellectual Properties Project, United States AID-Asia Environmental Partnership Fellow, and Zulu Folk Varieties Project Consultant.

Maria Chao has been a member of the Planning Board since 2016 and is also a member of the Zoning Subcommittee. She is a licensed architect in MA. She expressed how much she enjoys her work on the Planning Board and her eagerness to work with the new Town Council. Maria expressed that she can offer to the ZBA her experience “on both sides of the desk” - as an architect that needs to bring projects forward to a Zoning Board of Appeals as well as a ZBA member who needs to review such plans.

Jack Zemsek has served on the Planning Board for over 2.5 years. He expressed how much he enjoys his work on the PB, his interactions with town staff, and the prospect of working with the Town Council. He has 30 years of experience in environmental consulting in New England. He is an environmental scientist/hydrologist. He feels that his background as an environmental scientist/hydrologist helps bring a unique outlook to the Planning Board, in that he may see possible problems/challenges that others may not. Jack is also the Amherst Commissioner to the PVC, and on the Amherst Dog Park Task force.

ZBA:

Mark Parent has served on the Amherst ZBA for 12 years. Three of those years have been served as Chair. Mark has shown leadership and dedication to the Town of Amherst. Mark expressed how valuable his time on the ZBA has been.

Steve Judge has served on the ZBA for one year. His work experience includes 13 years as a congressional staff member with responsibility for federal housing policy and federal assistance to states and municipalities to foster economic development. Steve has served on The Board of Directors of the National Law Center on Homelessness and Poverty.

Joan O'Meara served a one-year term as an Associate on the ZBA. She was appointed as a Full Member in February of 2019. Joan has lived in Amherst for 30 years and is a Social Worker and a Registered Nurse. She did serve on The Council for Aging. Joan has expressed her enjoyment of her work on the ZBA, her love for Amherst, and her concerns about limited housing for a diverse community.

Thomas Simpson has more than 15 years previous experience as a as a member and chair of the ZBA. Tom has also attended several courses offered by the Citizen Planner Training Collaborative in order to deepen his knowledge of the zoning-by-laws. He expressed his enthusiasm for the work that he does on the ZBA. Tom also brought up to his dedication in seeing that the town develops in a way that is consistent with the spirit of the zoning by-laws and in the best interests of the town.

Matthew Wilk is a 2017 graduate of UMASS who holds a degree in Chemical Engineering. He is employed as a Quality Engineer with Covestro in Deerfield, Massachusetts. Matthew shared that he believes his job as a Quality Engineer is an example of how he successfully collaborates with others. He explained that every day he meets with four or five other engineers who are all in charge of completing one project, but each represent a separate part or responsibility. Matthew said that there needs to be a great deal of negotiating and planning for the team to complete a project that is of high quality and done in a timely manner. He has always had an interest in politics, especially at the local level. He has participated in student government positions in previous academic work. Matthew feels like Amherst is home and is eager to have the opportunity to serve it.

Aaron Arcello holds an undergraduate degree (URI) in Applied Economics and Political Science. He also holds an MBA in Brand and Product Management. Aaron has been a Global Brand Manager at SC Johnson and has worked on four different \$1B+ brands (Ziplock, M. Muscle, Glade and SC Johnson). Currently, he runs a corporate branding campaign and manages a \$15 million-dollar budget. Aaron believes that his professional skills in working through complex challenges with many stakeholders would also be valuable to the ZBA. He also used to work for

Mayor David Cicilline of Providence, Rhode Island. Aaron is passionate about politics and as a father of two young children he would like to be involved in learning about and shaping the community in which they will grow up.

Sharon Waldman is an attorney. She became very interested in politics during the time that the debate about building new schools arose. She was impressed and fascinated by the amount of people who were informed and involved. Sharon expressed how exciting and inspirational it was hear the passion that residents had for Amherst and local politics. Sharon is enthusiastic about the work done by the ZBA.

Tammy (Tambetsu) Parks is a financial assistant that has also worked as a manager, supervisor, American Red Cross instructor and instructor trainer. She was a member of Town Meeting and part of the town Master plan. When speaking to Tammy it immediately becomes clear that she has a clear grasp of how the town government works. She emphasizes the passion and pride that she has for her children. It seems that this sense of caring and responsibility spills out into the rest of her life where she has been a day care owner and provider and emphasizes that protecting human and animal rights will always be a priority to her. Tammy has a deep belief in civic duty and volunteering.

Legal References

Charter Sec. 2.9(c)

SECTION 2.9: APPOINTMENTS, SUSPENSIONS, OR REMOVALS BY THE TOWN COUNCIL

(c) Planning Board and Zoning Board of Appeals: The Town Council shall appoint all members of the Planning Board and Zoning Board of Appeals for staggered 3-year terms.

Charter Sec. 3.3

SECTION 3.3: POWERS OF APPOINTMENT

(c) Appointments to Multiple-Member Bodies: Except as otherwise provided by this Charter, the Town Manager shall appoint all members of multiple-member bodies. Members of all appointed multiple-member bodies shall be residents of the Town at the time of appointment and throughout the term of the appointment, unless otherwise approved by Town Council.

Charter Sec. 9.12(e)

SECTION 9.12: UNIFORM PROCEDURES APPLICABLE TO MULTIPLE-MEMBER BODIES

(e) Vacancies: Whenever a vacancy occurs, or is about to occur, on a multiple-member body, the appointing authority shall immediately cause public notice of the vacancy, or impending vacancy, to be published on the Town bulletin board for a period of not less than 14 days. Any person who desires to be considered for appointment to the multiple-member body shall file with the appointing authority a statement in clear and specific terms setting forth the person's interest and experience.

Charter Sec 10.7(n) and 10.7(o)

SECTION 10.7: TIME OF TAKING EFFECT

(n) The status of the Planning Board shall be as follows: The Planning Board shall be 7 members as of December 3, 2018 (or February 4, 2019 under Section 10.9) and shall remain such size until and unless the Town Council adopts a measure increasing or decreasing the size. All Planning Board members in office at the time of adoption of this Charter shall continue to serve for the balance of the terms for which they were appointed. Upon the expiration of the term of office or upon a sooner vacating of the office, such successor shall be appointed as provided in this Charter or by the Town Manager if before December 3, 2018 (or February 4, 2019 under Section 10.9). The Town Council, or the Town Manager if before December 3, 2018 (or February 4, 2019 under Section 10.9), shall not reappoint or appoint new members if the membership would exceed 7 members.

(o) The status of the Zoning Board of Appeals shall be as follows: The Zoning Board of Appeals shall be 5 members as of December 3, 2018 (or February 4, 2019 under Section 10.9) and shall remain such size until and unless the Town Council adopts a measure increasing or decreasing the size. All Zoning Board of Appeals members in office at the time of this adoption of this Charter shall continue to serve for the balance of the terms for which they were appointed.

Upon the expiration of the term of office or upon a sooner vacating of the office, such successor shall be appointed as provided in this Charter under Sections 2.9(c) and 10.7(b). The Town Council shall appoint additional members on or after December 3, 2018 (or February 4, 2019 under Section 10.9) to increase the size of the Board to 5 members.

MGL Chapter 41 Section 81A: Planning board; establishment; membership; tenure; vacancies
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81a>

Amherst Zoning Bylaw Article 10 pg 97, as marked by the first Bylaw Review Committee showing changes due to the Charter 03.27.18 and to be submitted to Town Council by the second Bylaw Review Committee before 01.28.20 (charge approved 12.10.18, members appointed 01.28.19):

<https://www.amherstma.gov/DocumentCenter/View/45998/Zoning-Bylaws-of-the-Town-of-Amherst---December-2018---REDLINE?bidId=>

ARTICLE 10 SPECIAL PERMIT GRANTING AUTHORITY

SECTION 10.0 APPOINTMENT

10.01 The Zoning Board of Appeals shall consist of ~~three~~ 5 members and ~~four~~ 3 associate members, all residents of the Town of Amherst, the ~~three~~ 5 members appointed by the Town Council and serving for ~~three~~ 3 year terms and as otherwise set forth in Chapter 40A of the General Laws, as amended. The term of each member and associate member shall conclude at the later of the expiration of such term or the qualification of a successor. Said Board shall have all of the powers and duties of Boards of Appeals under said Chapter, and, in addition, all the powers and duties herein prescribed. Copies of rules promulgated by the Board of Appeals may be obtained from the Town Clerk's Office.

10.02 The Planning Board shall consist of ~~nine~~ 7 regular members. In addition, ~~two~~ 2 associate members may be appointed. All members shall be appointed by the ~~Town Manager, with approval of the Select Board~~ Town Council, under Section 4.54 of the Amherst Town Government Act and shall be appointed for a term of ~~three~~ 3 years, except for appointments to fill an unexpired term.

Associate members may sit on the Board only for the purposes of hearing and voting upon decisions on Special Permit applications and only in the case of absence, inability to act, or conflict of interest on the part of a regular Board member, or in the event of a vacancy on the Board.

The Planning Board Chair shall designate the associate member to sit on the Board when necessary and in accordance with above circumstances.

[EDITORIAL NOTE: 1) we are unaware of any desire for Associate Planning Board members and it is not clear how long ago we might have had those, 2) the ZBA Chair offered that 3, not 4, Associate ZBA members would be appropriate given the main body is 5 instead of 3]

Vacancy Notices: Town bulletin board (website) and Newsflash to subscribers
see attached



Alisa Brewer <avbrewer@gmail.com>

New In the News Town Council Seeks Members to Serve on Town Committees for www.amherstma.gov

no-reply@amherstma.gov <no-reply@amherstma.gov>

Wed, Feb 20, 2019 at 10:01 AM

To: avbrewer@gmail.com

A new Newsflash now appears on our site. Please click on the link below to go directly to the new posting.

Description:

The Town Council is seeking volunteers to serve on several Town committees that may have vacancies now or beginning in July, including the Finance Committee (Section 5.5(b)), Planning Board (Section 2.9(c)), Zoning Board of Appeals (ZBA) (Section 2.9(c)) <http://www.amherstma.gov/CivicAlerts.aspx?AID=2257>

This service is part of Amherst's Open Government to the MAX! [<http://www.amherstma.gov/tothemax>] initiative. Sign-up for more automated email or SMS/text notifications or modify your Notify Me settings by clicking here [<http://www.amherstma.gov/list.aspx?mode=del>] .

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Posted on: February 20, 2019

Town Council Seeks Members to Serve on Town Committees

The Town Council is seeking volunteers to serve on several Town committees that may have vacancies now or beginning in July, including:

- Finance Committee (Section 5.5(b)),
- Planning Board (Section 2.9(c)),
- Zoning Board of Appeals (ZBA) (Section 2.9(c)),
- Ranked Choice Voting Commission (Section 10.10), and the
- Participatory Budgeting Commission (Section 10.11).



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The Town Council is especially seeking individuals of diverse backgrounds, including those who have no prior municipal government experience.

If you are interested in volunteering to serve, please fill out a Community Activity Form at: www.amherstma.gov/caf

If you have questions, please reach out to the Town Council Outreach, Communications, and Appointments Chair Sarah Swartz SwartzS@amherstma.gov, or our Town Community Participation Officers at getinvolved@amherstma.gov

The references cited above are from the Amherst Home Rule Charter,
<https://www.amherstma.gov/DocumentCenter/View/41987/Amherst-Home-Rule-Charter?bidId=>

This notice fulfills the Town bulletin board requirement Section 9.12(e).

[Boards and Committees Info Page](#)

Posted: Wednesday, February 20, 2019 at 9:30 am (updated - April, 2019)

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Other News in amherstma.gov - News & Announcements

West Bay Road DETOUR May 1st-3rd, 2018

Posted on: April 29, 2019



Interview Handout provided ahead in addition to multiple-member body Charge and Interview Questions:

Planning Board revised 04.19.19 (*see attached*)

ZBA revised 04.19.19 (*see attached*)



**COMMITTEE REPORT: Outreach, Communications, & Appointments Standing Committee, Town Council,
Interview Questions and Protocol voted 04-08-19**

Interview Questions:

1. Welcome, thanks for taking time to fill out form and apply
2. Why did you apply? How did you learn about the vacancy?
3. Have you ever watched or attended one of their meetings? Looked at their webpage?
4. What is your relevant expertise and/or experience?
5. What important perspective do you feel you bring to this body?
6. Tell us about an experience you have had collaborating with a group?
7. Are you comfortable working under Open Meeting Law, where all discussions and decisions are done in meetings posted at least 48 hours in advance and open to the public?
8. What about the time commitment and committee meeting schedule on the provided handout?
9. Do you have any questions for us or anything else you want to share with us?
10. Thank you – let them know about process going forward and time frame. Everyone will be contacted, whether selected or not.

Outreach, Communications, & Appointments Town Council Standing Committee Membership:

Sarah Swartz, Town Councilor District 1, Chair
Alisa Brewer, Town Councilor-at-Large, Vice Chair
Darcy Dumont, Town Councilor District 5
Evan Ross, Town Councilor District 4
George Ryan, Town Councilor District 3



Planning Board: Seven Members (3 years)

revised 04-19-19

Planning Board webpage: <https://www.amherstma.gov/197/Planning-Board>

Planning Board Rules and Regulations: <https://www.amherstma.gov/501/Planning-Board-Rules-Regulations>

Planning Board in the Zoning Bylaw, Appointments:
<https://www.amherstma.gov/DocumentCenter/View/46399/13-ART10-Updated-May-2014-ATM?bidId=>

Zoning Primer: <https://www.amherstma.gov/DocumentCenter/View/24058/TMCC-Zoning-Primer?bidId=>

Most decisions of the Planning Board, no matter how many Members are present at the meeting, are by a simple majority. Decisions on special permits are by 2/3 vote with a minimum of 5 members needed to pass a motion to approve. Site Plan Review also requires a 2/3 vote with a minimum of 5 members needed to pass a motion to approve.

Meets two Wednesdays per month, from 7:00 pm – 10:00 pm, in the Town Room, plus one annual workshop on administrative practices. The Zoning Subcommittee of the Planning Board also meets the same night as the Planning Board, from 5:00 pm – 6:30 pm.

Meetings are live broadcast, and are also taped for later viewing on Channel 17 and AmherstMedia.org

Work between meetings is limited to site visits, reading materials provided by Town staff, and to sending questions to Town staff. Members cannot email each other about pending applications, decisions, bylaws, or issues as all deliberations must be held at a posted meeting to comply with Open Meeting Law.

Operating under various sections of MGL Ch. 41 beginning at Sec. 70, the Planning Board studies the resources and needs of the community and prepares plans involving land use, including development, housing, transportation, and zoning. The Planning Board approves Site Plans Review applications for cluster developments.

Under Ch. 40A Sec. 5, the Planning Board reviews the Town Zoning Bylaw and can propose amendments to improve it. The Planning Board is required to hold public hearings and make a report to Town Council on all proposed zoning changes.

Under Ch. 41 Sec. 81K-81GG, the Planning Board approves subdivisions and promulgates rules and regulations for subdivision construction, including the construction of roads, sidewalks, and water and sewer lines in subdivisions. The Planning Board approves special permits for cluster developments. It conducts site plan reviews for commercial, office, and other non-residential uses of land. It approves special permits for open space community developments and other selected uses. It makes recommendations to the Zoning Board of Appeals on special permits, variances, and appeals.

Under Ch. 41 Sec. 81D, the Planning Board made the Master Plan adopted February 3, 2010.

The Planning Board advises the Town Council on the release for general use of property taxed as forest, farm, or recreation land (See MGL Ch. 61), It also advises the Town Council on the granting of special tax status for qualifying developments (See MGL Ch. 121A). The Planning Board must approve proposed changes in all town ways designated locally as scenic roads (See MGL Ch. 40 Sec. 15C).

Please note that the Town Zoning Bylaw and Planning Board Rules and Regulations have not yet been updated to reflect the changes made by the Amherst Home Rule Charter adopted 03-27-18.



Zoning Board of Appeals (ZBA): Five Members (3 years) plus Three Associates (1 year)

ZBA webpage: <https://www.amherstma.gov/235/Zoning-Board-of-Appeals>

ZBA Rules and Regulations: <https://www.amherstma.gov/DocumentCenter/View/47314/ZBA-Rules-and-Reg-4-27-18-Amendment>

ZBA in the Zoning Bylaw, Appointments: <https://www.amherstma.gov/DocumentCenter/View/46399/13-ART10-Updated-May-2014-ATM?bidId=>

Five Members, plus three Associates that are in reserve if the Members can't serve. The Associates don't attend or participate unless they have been assigned.

Most decisions of the ZBA, no matter how many Members are present at the meeting, require four of five votes instead of a simple majority or unanimous vote.

Meets two Thursdays per month, from 6:00 pm – 9:00 pm, in the Town Room, plus one annual workshop on administrative practices.

At this time, meetings are not live broadcast nor video recorded, but are audio-taped by staff.

Work between meetings is limited to site visits, reading materials provided by Town staff, and to sending questions to Town staff. Members cannot email each other about pending applications, decisions, or issues as all deliberations must be held at a posted meeting to comply with Open Meeting Law.

The Zoning Board of Appeals is a quasi-judicial body that operates under the authority of MGL Ch. 40A for the purpose of promoting the health, safety, convenience, and general welfare of the inhabitants of the Town of Amherst. Section 10.38 of the Amherst Zoning Bylaw also outlines the process and specific findings that must be made for all ZBA Special Permit decisions.

The ZBA holds public hearings and acts on applications for Special Permits, Variances, Appeals of actions of the Building Commissioner, and Comprehensive Permits. Most ZBA hearings are for Special Permit applications for residential or business uses not allowed by right. All meetings and public hearings of the ZBA are open to the public. Hearings are advertised in the local paper and abutters are notified at least 2 weeks in advance of the hearing.

Please note that the Town Zoning Bylaw and ZBA Rules and Regulations have not yet been updated to reflect the changes made by the Amherst Home Rule Charter adopted 03-27-18.

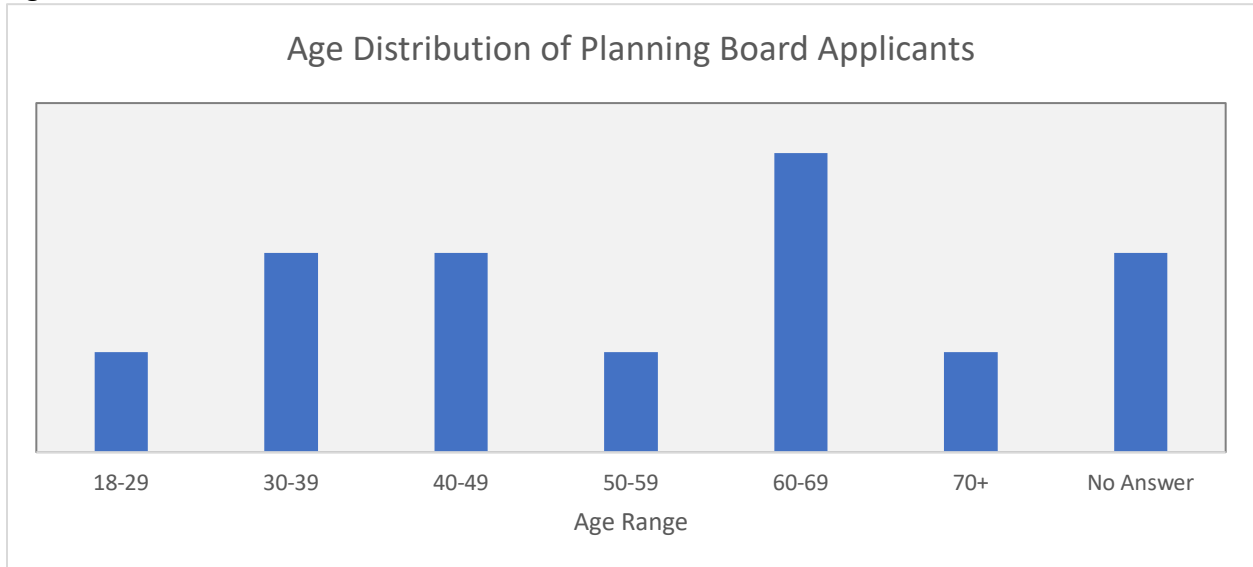
revised 04-19-19

Demographic data of applicants to Planning Board and Zoning Board of Appeals

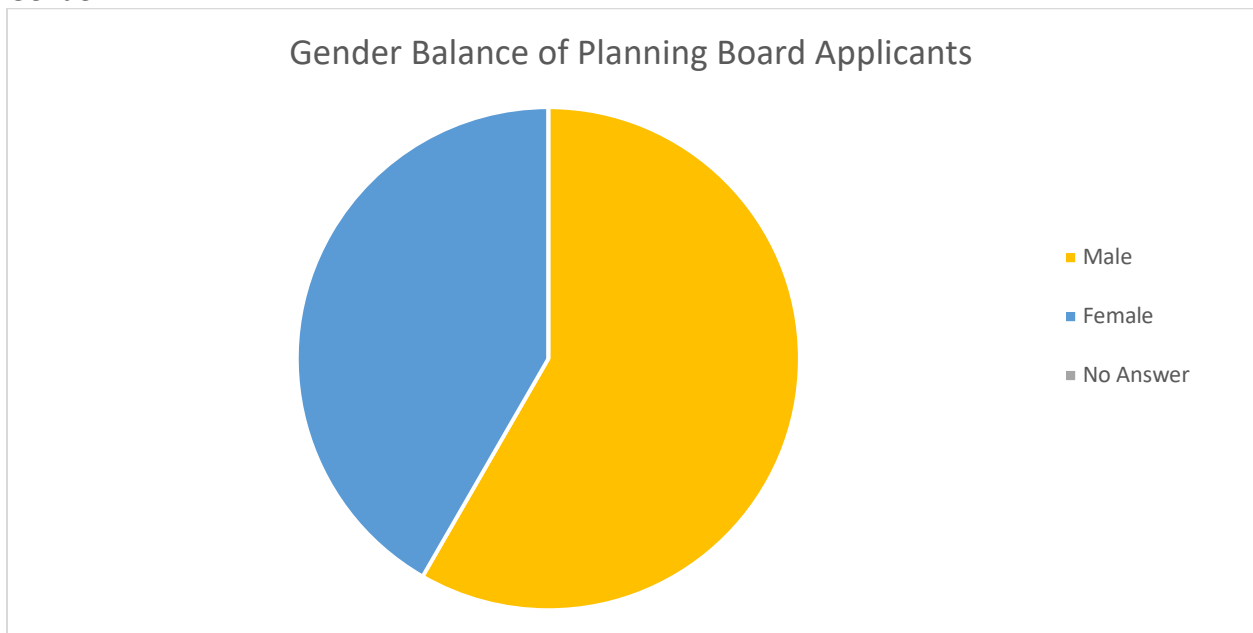
The Outreach, Communications, and Appointments committee presents to the Town Council an overview of the demographics of the applicant pool for the Planning Board and Zoning Board of Appeals. All data was self-reported by applicants on submitted Community Activity Forms.

Planning Board

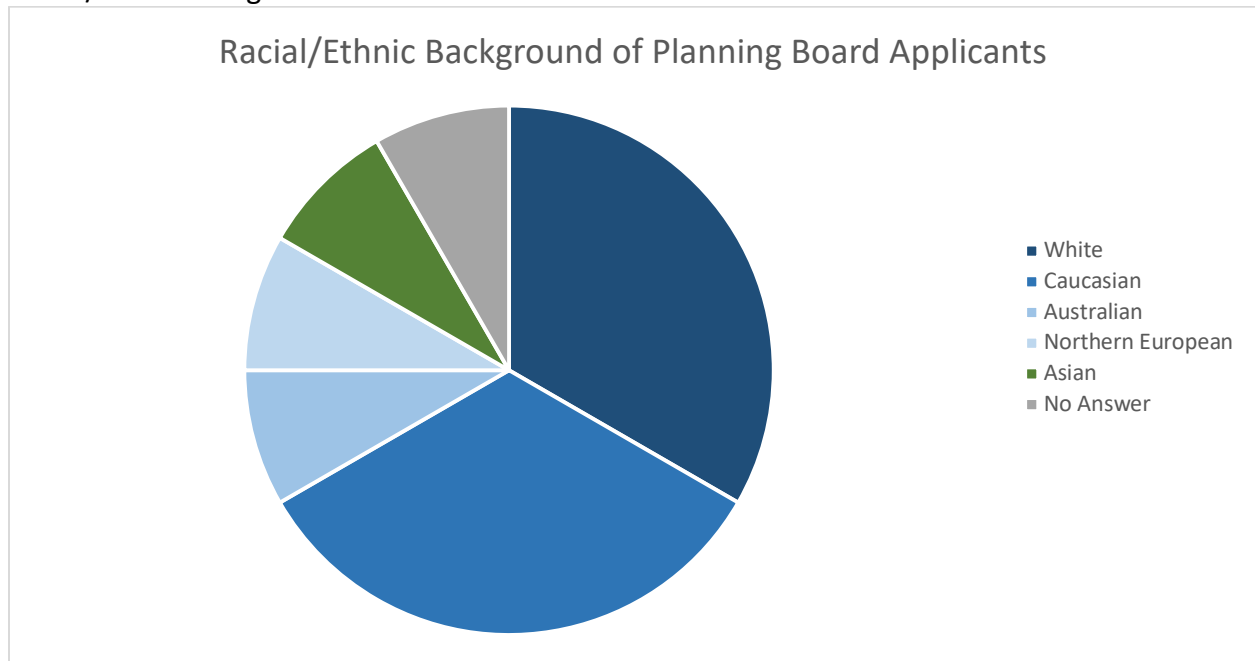
Age



Gender

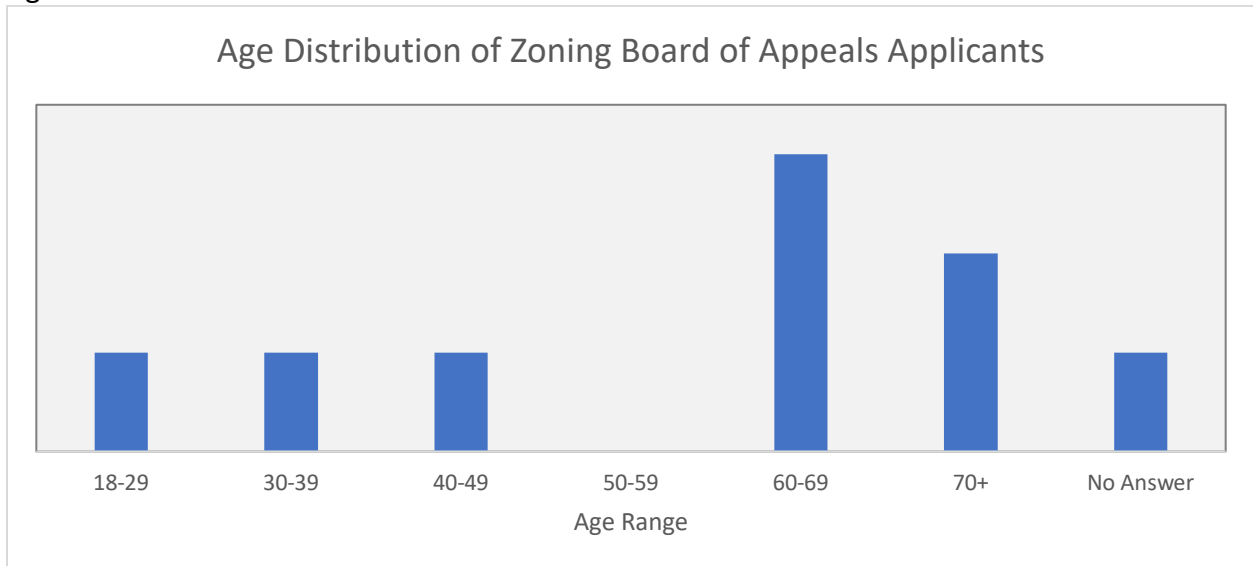


Racial/Ethnic Background*

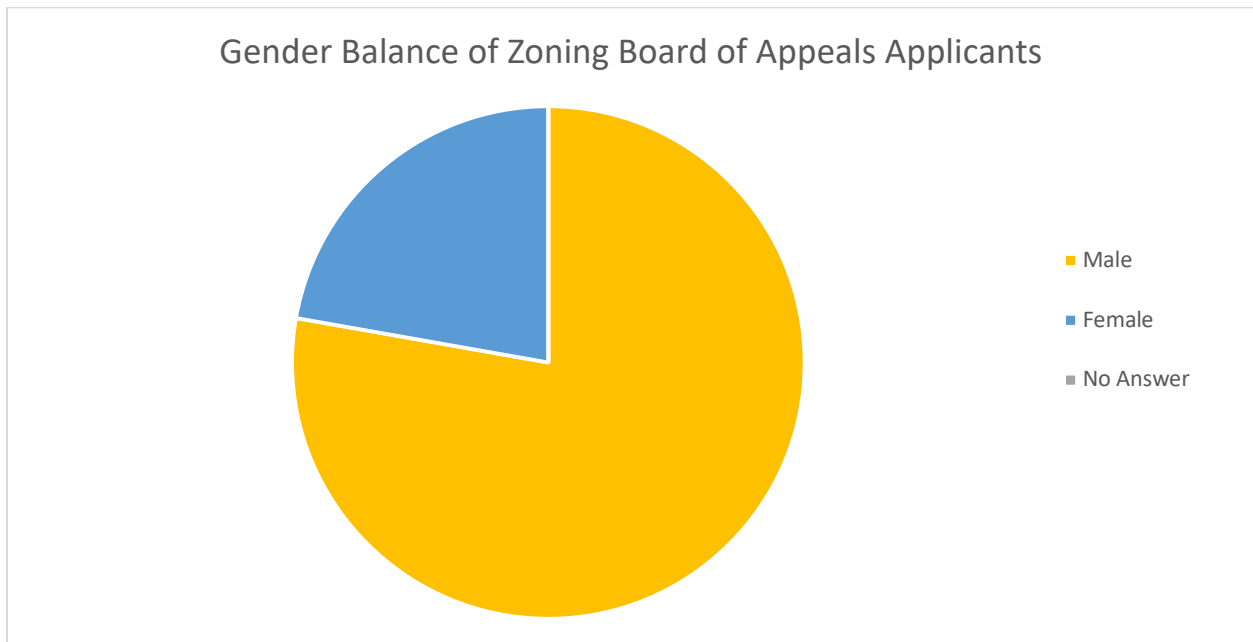


Zoning Board of Appeals

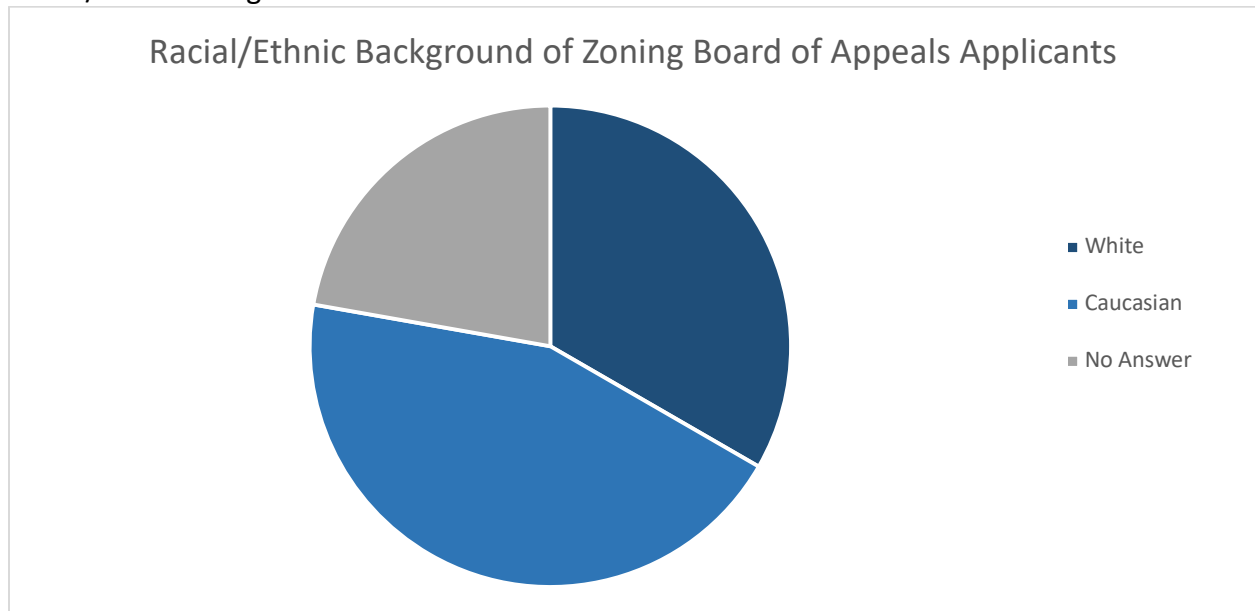
Age



Gender

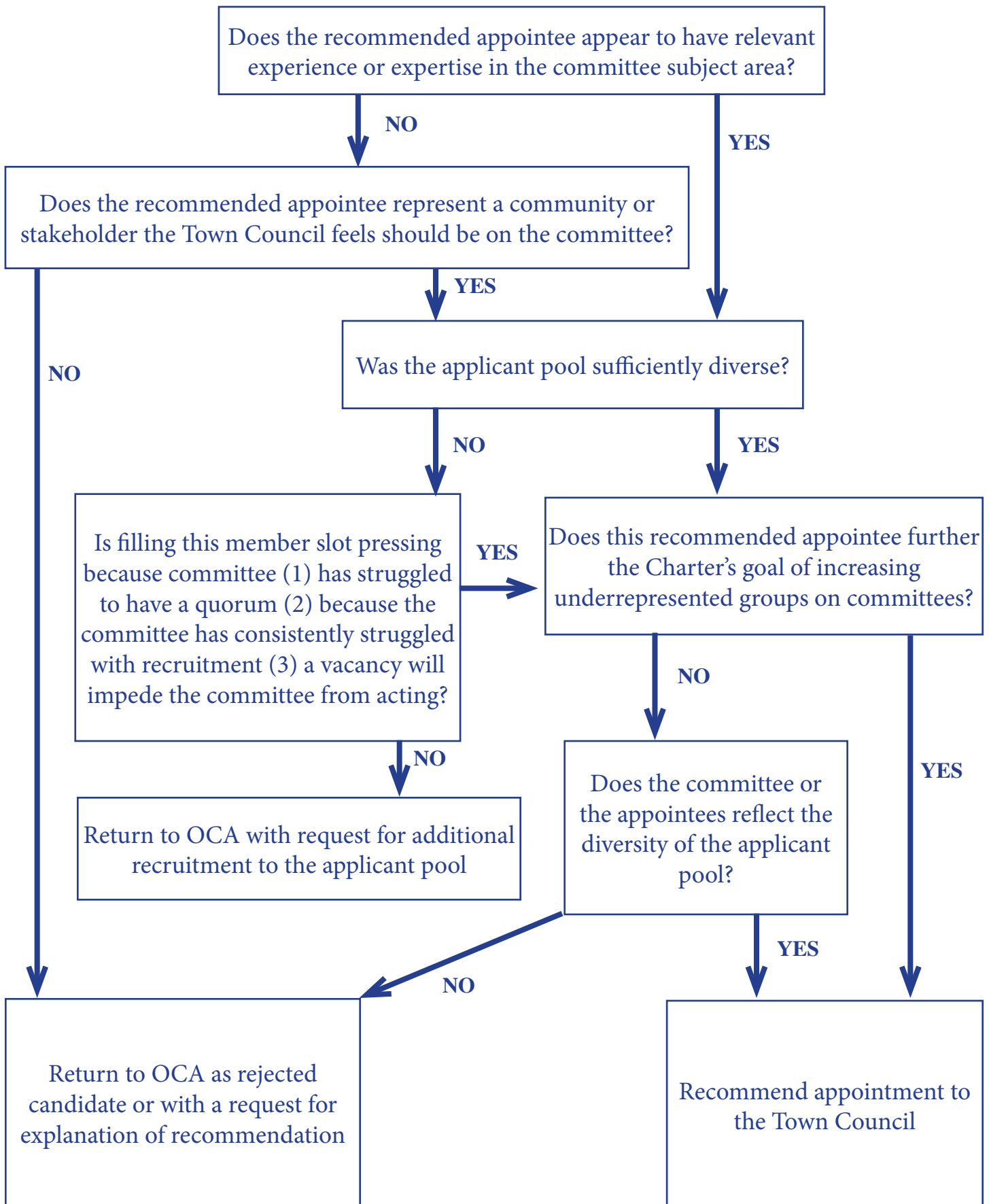


Racial/Ethnic Background*



*Racial/ethnic background is an optional category on the Community Activity Form that allows applicants to self-report their race/ethnicity. The category allows applicants to fill in any information as opposed to selecting a racial/ethnic background. This explains the varied answers provided. OCA sought to report this data as self-reported, and did not re-categorize applicants' responses. OCA recognizes the lack of racial/ethnic diversity in the applicant pool.

Decision Tree for Town Council to Appoint Residents Recommended by the Outreach, Communications, and Appointments [OCA] Committee for Appointment to Multiple-Member Bodies Appointed by the Town Council



Outreach, Communications, and Appointments Committee [OCA]

Process to recommend appointees to multiple-member bodies appointed by the Town Council
adopted by OCA 03-18-2019

Relevant actors:

APPLICANTS	OUTREACH, COMMUNICATIONS, AND
TOWN CLERK	APPOINTMENTS COMMITTEE [OCA]
TOWN MANAGER	OCA DESIGNEE
STAFF LIAISON	TOWN MANAGER
COMMITTEE CHAIR	RECOMMENDED APPOINTEE

Application & Interviews

APPLICANTS submit a completed Community Activity Form (CAF). The TOWN CLERK sends all CAFs to members of OCA.

OCA members receive all CAFs, but do not discuss them with each other, other TOWN COUNCIL members, or the public.

OCA designates one member to conduct interviews. OCA DESIGNEE schedules an interview with every APPLICANT. OCA DESIGNEE conducts interviews and may, at their discretion, invite the TOWN MANAGER, COMMITTEE CHAIR, and/or STAFF LIAISON to participate in the interviews in a strict consultation role.

If OCA DESIGNEE determines, after interviews, that the pool lacks sufficient candidates with necessary expertise or experience, the OCA DESIGNEE may inform OCA that the pool is insufficient. At that point OCA must endeavor to recruit more candidates.

OCA Review & Votes

OCA DESIGNEE, after consultation with relevant actors (TOWN MANAGER, COMMITTEE CHAIR, and/or STAFF LIAISON), sends RECOMMENDED APPOINTEES to the full OCA, accompanied by relevant information (name, qualifications, reasons for recommendation) about the RECOMMENDED APPOINTEE.

At a posted public meeting, OCA reviews the RECOMMENDED APPOINTEES. OCA discusses and votes on RECOMMENDED APPOINTEES. At this point, the OCA may:

Reject a RECOMMENDED APPOINTEE, sending the recommendation back to the OCA DESIGNEE, who may choose to bring forward a new candidate, or who may at that point declare that the pool lacks sufficient candidates and ask OCA to recruit more candidates

Request more information from the OCA DESIGNEE to answer questions or concerns about the RECOMMENDED APPOINTEE or the applicant pool

Approve the RECOMMENDED APPOINTEE and send them to the full TOWN COUNCIL with a recommendation for appointment

Town Council Review & Votes

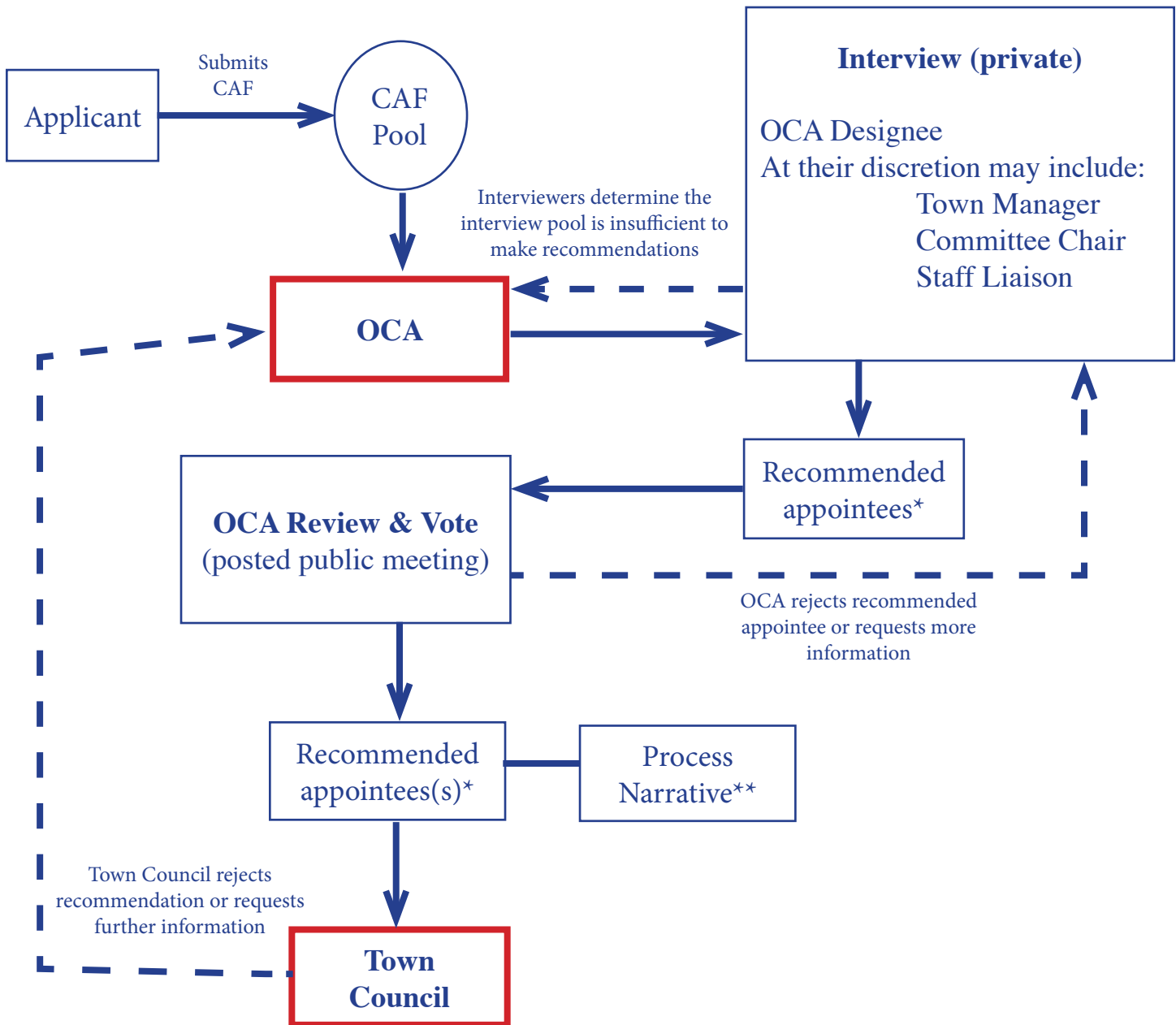
All RECOMMENDED APPOINTEES approved by OCA are sent to the TOWN COUNCIL, along with relevant information (name, qualifications, reasons for recommendation) about the RECOMMENDED APPOINTEE and a description of the selection process, including the number of applicants, the number of interviewees, and demographic information about the applicant pool. The TOWN COUNCIL reviews, discusses, and votes on the RECOMMENDED APPOINTEES. At this point, the TOWN COUNCIL may:

Reject a RECOMMENDED APPOINTEE, sending the recommendation back to the OCA, who may choose to bring forward a new candidate or recruit more candidates

Request more information from the OCA to answer questions or concerns about the RECOMMENDED APPOINTEE or the applicant pool

Appoint the RECOMMENDED APPOINTEE

TOWN COUNCIL APPOINTMENTS TO MULTIPLE MEMBER BODIES



***Recommended Appointee(s):** OCA provides name(s) with description of recommendation (qualifications, reasons for recommendation etc.).

****Process Narrative:** Narrative description of process including how many people applied, how many were interviewed, and basic demographic data of the pool.